

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

GLOBALFOUNDRIES U.S. INC.,

Plaintiff,

v.

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,

Defendant.

Special Pro. No.: 1:24-cv-490

[Case No. 7:23-cv-03348-KMK-  
AEK Pending in the Southern  
District of New York]

**NON-PARTY KAZUNARI ISHIMARU’S MOTION TO QUASH  
SUBPOENA TO TESTIFY AT A DEPOSITION AND FOR  
PROTECTIVE ORDER**

By this motion, and for the reasons set forth in the Memorandum of Law and supporting Declarations submitted herewith, non-party Kazunari Ishimaru appears specially to move the Court pursuant to Federal Rule of Civil Procedure 45(d)(3)(A)(ii) to quash the Subpoena to Testify at a Deposition in a Civil Action (the “Subpoena,” Padmanabhan Decl., Ex. 1) dated October 30, 2024 issued by GlobalFoundries U.S., Inc. (“GlobalFoundries”), and to further move the Court for a protective order pursuant to Federal Rule of Civil Procedure 26(c).

The Subpoena purports to be issued from the United States District Court for the Southern District of New York and demands compliance at 1001 Bishop Street, Suite 2460, Honolulu, HI 96813, which is within this judicial district. According to the caption of the subpoena, the underlying dispute is *GlobalFoundries U.S. Inc. v. International Business Machines Corp.*, Civil Action No. 7:23-cv-03348-KMK-AEK (S.D.N.Y.) (the “Litigation”), to which Mr. Ishimaru is not a party. Mr. Ishimaru does not reside, is not employed, and does not regularly transact business within 100 miles of the location where compliance is demanded.

Accordingly, Mr. Ishimaru respectfully moves this Court pursuant to 45(d)(3)(A)(ii) to quash the Subpoena based on its requirement that Mr. Ishimaru comply beyond the geographical limits specified in Rule 45(c).

In addition, to the extent this Court does not quash the subpoena and for the reasons set forth in the Memorandum of Law and supporting Declarations submitted herewith, Mr. Ishimaru respectfully moves this Court for a protective order from being deposed in the Litigation pursuant to Federal Rule of Civil Procedure 26(c) on the basis that the Subpoena poses an undue burden on Mr. Ishimaru as an apex witness of non-party Rapidus.

Dated: November 15, 2024

By: s/ Joseph A. Stewart

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